

Friday, August 4, 1995

Daily Digest

HIGHLIGHT

House passed communications bill.

Senate

Chamber Action

Routine Proceedings, pages S11353-S11481

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 1121-1123, and S. Con. Res. 23. Page S11451

Measures Reported: Reports were made as follows:

H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, with amendments. (S. Rept. No. 104-126)

S. 922, to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with an amendment. (S. Rept. No. 104-127)

S. 227, to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions, with an amendment in the nature of a substitute. (S. Rept. No. 104-128) Page S11451

Measures Passed:

Congressional Recess/Adjournment: Senate agreed to H. Con. Res. 92, providing for an adjournment of the two Houses. Page S11372

Department of Defense Authorizations, 1996: Senate continued consideration of S. 1026, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on amendments proposed thereto, as follows:

Pages S11353-S11437

Adopted:

(1) Thurmond Amendment No. 2111, to provide a substitute for Title XXXI, authorizing funds for Department of Energy national security programs.

Pages S11353-77

(2) Thurmond Amendment No. 2114 (to Amendment No. 2111), to make technical corrections relating to environmental restoration and waste management activities. Page S11376

(3) By 97 yeas to 3 nays (Vote No. 363), Boxer Amendment No. 2117, to provide a substitute for section 526, which amends a provision of the Uniform Code of Military Justice relating to forfeiture of pay and allowances and reduction in grade. Pages S11388-89

(4) Cohen Amendment No. 2118, to facilitate, encourage, and provide for efficient and effective acquisition and use of modern information technology by executive agencies. Pages S11389-93

(5) Specter Amendment No. 2081, to provide authority for the surrender of fugitives and the provision of judicial assistance to the international tribunals for Yugoslavia and Rwanda, in accordance with the obligations of the United States under certain resolutions of the United Nations Security Council. Pages S11421-22

(6) By 67 yeas to 27 nays (Vote No. 368), Leahy Amendment No. 2124, to support proposals to implement the United States goal of eventually eliminating antipersonnel landmines, and to impose a moratorium on the use of antipersonnel landmines except in sanctions against foreign governments that export antipersonnel landmines. Pages S11422-26

Rejected:

(1) Exon Amendment No. 2112 (to Amendment No. 2111), to delete funding for programs of hydronuclear experiments. (By 56 yeas to 44 nays (Vote No. 359), Senate tabled the amendment.) Pages S11353-72, S11376-77

(2) Reid/Bryan Amendment No. 2113 (to Amendment No. 2111), to strike the provision designating the location of the new tritium production facility of the Department of Energy. (By 57 yeas to 43 nays (Vote No. 360), Senate tabled the amendment.) Pages S11372-77

(3) McCain Amendment No. 2116, to mandate the money made available to the Department of Defense and used for civilian sporting events be re-im-bursed to the Department of Defense. (By 80 yeas to 20 nays (Vote No. 362), Senate tabled the amendment.)

Pages S11385–87, S11389

(4) Kohl Amendment No. 2119, to establish a limitation of \$257,700,000,000 as the total amount authorized for fiscal year 1996. (By 51 yeas to 46 nays (Vote No. 364), Senate tabled the amendment.)

Pages S11393–S11403

(5) Harkin Amendment No. 2121, to require NATO allies to pay 75 percent of added costs in keeping troops overseas and the cost of foreign national employment. (By 70 yeas to 26 nays (Vote No. 365), Senate tabled the amendment.)

Pages S11403–10, S11419

(6) Levin Amendment No. 2122, to authorize funds for procurement of equipment for the reserve components according to their highest modernization priorities. (By 53 yeas to 43 nays (Vote No. 366), Senate tabled the amendment.)

Pages S11410–13, S11419–20

(7) Glenn Amendment No. 2123, to strike provisions that reduce the period of obligated active duty service of graduates of the service academies. (By 52 yeas to 44 nays (Vote No. 367), Senate tabled the amendment.)

Pages S11413–19, S11420–21

Pending:

Brown Amendment No. 2125, to clarify restrictions on assistance to Pakistan.

Pages S11429–35

During consideration of this measure today, Senate took the following action:

By 37 yeas to 63 yeas (Vote No. 361), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Bumpers Amendment No. 2115, to repeal the defense firewalls established in the Fiscal Year 1996 Budget Resolution. Subsequently, a point of order that the amendment was in violation of section 306 of the Congressional Budget Act was sustained, and the amendment thus fell.

Pages S11377–84

A motion was entered to close further debate on the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Monday, August 7, 1995.

Page S11437

Senate may resume consideration of the bill on Saturday, August 5, 1995.

Treasury/Postal Service Appropriations, 1995—Agreement: A unanimous consent agreement was reached providing for the consideration of H.R. 2020, making appropriations for the Treasury Department, the United States Postal Service, the Exec-

utive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996 and a committee amendment thereto beginning on page 76, lines 10–17, regarding abortions, with a vote to occur on the committee amendment, on Saturday, August 5, 1995.

Page S11410

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting the report entitled “Sustainable Energy Strategy: Clean and Secure Energy For A Competitive Economy”; referred to the Committee on Energy and Natural Resources. (PM–73).

Page S11450

Transmitting the report of the District of Columbia Financial Responsibility and Management Assistance Authority’s operating budget for fiscal year 1996; referred to the Committee on Governmental Affairs. (PM–74).

Page S11450

Nominations Received: Senate received the following nominations:

2 Navy nominations in the rank of admiral.

Page S11481

Messages From the President:

Page S11450

Messages From the House:

Pages S11450–51

Executive Reports of Committees:

Page S11451

Statements on Introduced Bills:

Pages S11451–54

Additional Cosponsors:

Pages S11454–55

Amendments Submitted:

Pages S11455–71

Notices of Hearings:

Pages S11471–72

Authority for Committees:

Page S11472

Additional Statements:

Pages S11472–74, S11478–81

Record Votes: Ten record votes were taken today. (Total—368)

Pages S11377, S11384, S11389, S11403, S11419, S11420, S11421, S11426

Recess: Senate convened at 9 a.m., and recessed at 11:48 p.m., until 8:30 a.m., on Saturday, August 5, 1995. (For Senate’s program, see the remarks of the Majority Leader in today’s RECORD on page S11480.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—TRANSPORTATION

Committee on Appropriations: Committee ordered favorably reported, with amendments, H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the following business items:

S. 922, to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, with an amendment; and

The nominations of Lt. Gen. John P. Otjen, United States Army, to be Lieutenant General, and Lt. Gen. James R. Clapper, Jr., United States Air Force, for appointment to the grade of lieutenant general on the retired list.

NOMINATIONS

Committee on the Judiciary: Committee ordered favorably reported the nominations of Terence T. Evans, of Wisconsin, to be United States Circuit Judge for the Seventh Circuit, Michael R. Murphy, of Utah, to be United States Circuit Judge for the Tenth Circuit, James M. Moody, to be United States District Judge for the Eastern District of Arkansas, William K. Sessions III, to be United States District Judge for the District of Vermont, Ortrie D. Smith, to be United States District Judge for the Western District of Missouri, and Donald C. Pogue, of Connecticut, to be a Judge of the United States Court of International Trade.

House of Representatives

Chamber Action

Bills Introduced: Sixty-four public bills, H.R. 2193–2256; two private bills, H.R. 2257–2258; and eight resolutions, H. Con. Res. 93–98, and H. Res. 211–212 were introduced.

Pages H8533–36

Reports Filed: Reports were filed as follows:

H.R. 782, to amend title 18 of the United States Code to allow members of employee associations to represent their views before the United States Government, amended (H. Rept. 104–230);

H.R. 1852, to authorize appropriations for the National Science Foundation, amended (H. Rept. 104–231);

H.R. 1870, to authorize appropriations for the activities of the Under Secretary of Commerce for technology, and for Scientific and Technical Research Services and Construction of Research Facilities activities of the National Institute of Standards and Technology, for fiscal year 1996, amended (H. Rept. 104–232);

H.R. 2043, to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, amended (H. Rept. 104–233);

H.R. 1296, to provide for the Administration of certain Presidio properties at minimal cost to the Federal taxpayer, amended (H. Rept. 104–234);

H.R. 1851, to authorize appropriations for carrying out the Federal Fire Prevention and Control Act of 1974 for fiscal years 1996 and 1997, amended (H. Rept. 104–235); and

H.R. 1816, to authorize appropriations for civilian research, development, demonstration, and commer-

cial application activities of the Department of Energy for fiscal year 1996, amended (H. Rept. 104–236, Part 1).

Pages H8532–33

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Bunn of Oregon to act as a Speaker pro tempore for today.

Page H8425

Communications Act: By a recorded vote of 305 ayes to 117 noes, Roll No. 635, the House passed H.R. 1555, to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.

Pages H8425–H8507

By a recorded vote of 224 ayes to 199 noes, Roll No. 634, the House agreed to the Markey motion to recommit the bill to the Committee on Commerce with instructions to report it back forthwith containing an amendment requiring the establishment of a television rating code and requiring that televisions manufactured in or imported to the United States be equipped with program-blocking technology (V-CHIP). Subsequently the bill was reported back to the House with the amendment, and the amendment was agreed to.

Pages H8503–05

Agreed To:

The Bliley amendment that, among other things, shortens from 15 to 6 months the length of time the FCC will have to promulgate rules for implementation of the checklist provisions and reduce the time span that a Bell company must operate their long distance service through a separate subsidiary from 3

years to 18 months (agreed to by a recorded vote of 256 ayes and 149 noes, Roll No. 627);

Pages H8444–60

The Stupak amendment that provides that nothing in the bill affects the authority of local governments to manage public rights-of-way or to require fair and reasonable compensation from telecommunications providers for use of such rights-of-way, and strikes provisions that prohibit local governments from distinguishing between types of telecommunications providers in imposing fees (agreed to by a recorded vote of 338 ayes to 86 noes, Roll No. 629);

Pages H8460–61, H8477

The Cox of California amendment that protects from liability those providers and users seeking to clean up the Internet and prohibiting the FCC from imposing content or any regulation of the Internet (agreed to by a recorded vote of 420 ayes to 4 noes, Roll No. 631);

Pages H8468–72, H8478–79

The Markey amendment that limits to 35 percent the percentages of households nationwide that may be reached by TV stations directly owned by a single network or ownership group (agreed to by a recorded vote of 228 ayes to 195 noes, Roll No. 632); and

Pages H8479–85

The Markey amendment, as amended by the Coburn substitute (substitute agreed to by a recorded vote of 222 ayes to 201 noes, Roll No. 633), that establishes as national policy the encouragement of the television and video industry to establish industry-wide technology standards and rating procedures which would empower parents to block programming they deem inappropriate for their children.

Pages H8485–96

Rejected:

The Conyers amendment, as modified, that sought to provide for an Attorney General review of the Bell company entry into new markets and to provide for approval unless the Attorney General found there was a dangerous probability that such company or its affiliates would successfully use their market power to substantially impede competition in the market such company sought to enter (rejected by a recorded vote of 151 ayes to 271 noes, Roll No. 630); and

Pages H8461–68, H8477–78

The Markey amendment that sought to not deregulate cable rates for an existing cable system until a telephone company had actually been authorized to provide competing video services to subscribers in the same franchise area, limit the exemption from price controls for small cable operators to systems with 10,000 or fewer subscribers in its franchise area, and lower the complaint threshold under which the FCC could trigger a rate review from 5 percent

of all subscribers to 10 subscribers (rejected by a recorded vote of 148 ayes to 275 noes, Roll No. 628).

Pages H8472–77

The Clerk was authorized to make technical corrections and conforming changes, and to delete duplicative material, in the engrossment of the bill.

Page H8507

Late Report: The Committee on Economic and Educational Opportunities received permission to have until noon on Friday, September 1, 1995, to file a report on H.R. 1594, to place restrictions on the promotion by the Department of Labor of economically targeted investments in connection with employee benefit plans.

Page H8507

Rereferral: The bill H.R. 2077, to designate the United States Post Office building located at 33 College Avenue in Waterville, Maine, as the “George J. Mitchell Post Office Building,” originally referred to the Committee on Transportation and Infrastructure, was rereferred to the Committee on Government Oversight.

Page H8507

George J. Mitchell Building: House passed H.R. 2077, to designate the United States Post Office building located at 33 College Avenue in Waterville, Maine, as the “George J. Mitchell Post Office Building.”

Pages H8507–08

D.C. Convention Center and Sports Arena: House passed H.R. 2108, to permit the Washington Convention Center Authority to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia, to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for the borrowing of such funds.

Pages H8509–11

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of September 6, 1995.

Page H8511

Resignations—Appointments: It was made in order that notwithstanding any adjournment of the House until Wednesday, September 6, 1995, the Speaker and the Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House.

Page H8511

Extensions of Remarks: It was made in order that for the legislative days of Wednesday, August 2, Thursday, August 3, and Friday, August 4, all Members be permitted to extend their remarks and to include extraneous material in that section of the Record entitled “Extensions of Remarks”. Page H8511

Designation of Speaker Pro Tempore: Read and accepted a letter from the Speaker wherein he designates Representative Davis to act as Speaker pro tempore to sign enrolled bills and joint resolutions through September 6, 1995. **Page H8511**

Presidential Messages: Read the following messages from the President:

United States-Bulgaria nuclear energy agreement: Message wherein he transmits the text of a proposed Agreement between the Government of the United States of America and the Government of the Republic of Bulgaria for Cooperation in the Field of Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute—referred to the Committee on International Relations and ordered printed (H. Doc. 104-108); **Pages H8511-12**

Energy policy: Message wherein he reports to Congress on our Nation's energy policy—referred to the Committee on Commerce; and **Page H8512**

D.C. Financial Authority Budget: Message wherein he transmits the District of Columbia Financial Responsibility and Management Assistance Authority's operating budget for fiscal year 1996—referred to the Committee on Government Reform and Oversight. **Page H8512**

Senate Messages: Messages received from the Senate today appear on page H8507.

Quorum Calls—Votes: Nine recorded votes developed during the proceedings of the House today and appear on pages H8459-60, H8476-77, H8477, H8477-78, H8478-79, H8484-85, H8496, H8504-05, and H8506-07. There were no quorum calls.

Adjournment: Met at 8 a.m. and, pursuant to the provisions of H. Con. Res. 92, adjourned at 6:17 p.m. until noon on Wednesday, September 6.

Committee Meetings

REGULATION OF PUBLIC UTILITY HOLDING COMPANIES—SEC REPORT

Committee on Commerce: Subcommittee on Telecommunications and Finance and the Subcommittee on Energy and Power held a joint hearing on the SEC's June 19, 1995 report entitled "The Regulation of Public Utility Holding Companies." Testimony was heard from Elizabeth Moler, Chair, Federal Energy Regulatory Commission, Department of Energy; Arthur Levitt, Jr., Chairman, SEC; Robert Gee, Commissioner, Public Utilities Commission, State of Texas; and public witnesses.

RESTRICT AUTHORITY OF D.C. SUPERIOR COURT—CERTAIN CHILD CUSTODY AND VISITATION RIGHTS

Committee on Government Reform and Oversight: Subcommittee on the District of Columbia held a hearing on H.R. 1855, to amend title 11, District of Columbia Code, to restrict the authority of the Superior Court of the District of Columbia over certain pending cases involving child custody and visitation rights. Testimony was heard from Representatives Morella and Molinari; Charles Gill, Judge, Circuit Court, State of Connecticut; and public witnesses.

DEPARTMENT OF COMMERCE FUTURE

Committee on International Relations: Held a hearing on the Future of the Department of Commerce. Testimony was heard from Representatives Roth, Manzullo, Mica and Chrysler; Ronald H. Brown, Secretary of Commerce; Michael Kantor, U.S. Trade Representative; and public witnesses.

MINERAL LEASING ACT AMENDMENTS

Committee on Resources: Subcommittee on Energy and Mineral Resources approved for full Committee action amended H.R. 699, to amend the Mineral Leasing Act to provide for a royalty payment for heavy crude oil produced from the public lands which is based on the degree of API gravity.

SMALL BUSINESS CREDIT EFFICIENCY ACT

Committee on Small Business: Ordered reported amended H.R. 2150, Small Business Credit Efficiency Act of 1995.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

Joint Meetings

EMPLOYMENT SITUATION

Joint Economic Committee: Committee held hearings to examine the employment-unemployment situation for July, receiving testimony from Katherine G. Abraham, Commissioner of the Bureau of Labor Statistics, Department of Labor.

Committee recessed subject to call.

CONGRESSIONAL PROGRAM AHEAD

Week of August 7 through 12, 1995

Senate Chamber

On *Monday*, Senate will resume consideration of H.R. 4, Family Self-Sufficiency Act.

During the balance of the week, Senate expects to complete consideration of H.R. 4, Family Self-Sufficiency Act, and consider available appropriations bills, including: H.R. 1977, Interior, S. 1087, Defense, and other legislation, including: Conference reports, when available, and any cleared legislative and executive business.

(Senate will recess on Tuesday, August 8, 1995, from 12:30 p.m. until 2:15 p.m., for respective party conferences.)

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Banking, Housing, and Urban Affairs: August 7, business meeting, to consider the nominations of Herbert F. Collins, of Massachusetts, to be a Member of the Thrift Depositor Protection Oversight Board, Resolution Trust Corporation, and Maria Luisa Mabilangan Haley, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States, 10:45 a.m., SH-216.

Committee on Commerce, Science, and Transportation: August 10, business meeting, to consider pending calendar business, 9:30 a.m., SR-253.

Committee on Energy and Natural Resources: August 9, to hold hearings on S. 1054, to provide for the protection of Southeast Alaska jobs and communities, 9:30 a.m., SD-366.

August 10, Subcommittee on Forests and Public Land Management, to hold oversight hearings to review the implementation of section 2001 (relating to emergency salvage of diseased dead timber on Federal forest lands) of the fiscal year 1995 Emergency Appropriations Supplemental and Rescissions bill (P.L. 104-19), 9:30 a.m., SD-366.

Committee on Foreign Relations: August 8, to hold hearings on the drug trade in Mexico and implications for United States-Mexican relations, 10 a.m., SD-419.

Committee on Governmental Affairs: August 9, Subcommittee on Oversight of Government Management and

The District of Columbia, to hold hearings on H.R. 2108, to permit the Washington Convention Center Authority to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia, to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia, and to permit certain revenues to be pledged as security for the borrowing of such funds, 2 p.m., SD-342.

Committee on the Judiciary: August 10, to hold hearings to examine United States Sentencing Commission's cocaine sentencing policy, 2 p.m., SD-226.

Committee on Indian Affairs: August 9, business meeting, to mark up S. 487, to establish a Federal Indian Gaming Regulatory Commission to regulate Indian gaming operations and standards, 9:30 a.m., SD-106.

Select Committee on Intelligence: August 8, to hold closed hearings on intelligence matters, 2 p.m., SH-219.

Special Committee To Investigate Whitewater Development Corporation and Related Matters: August 7, 8, 9, and 10, to resume hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster, Monday at 11 a.m., Tuesday at 9:30 a.m., Wednesday at 9:30 a.m. and Thursday at 9:30 a.m., SH-216.

House Chamber

House is not in session.

House Committees

Committee on Banking and Financial Services, August 7, 8, 9, 10, and 11, hearings on the failure and resolution of Madison Guaranty Savings and Loan Association and related matters, including allegations concerning White Water Development Corporation and the Executive Branch's handling of the investigation of matters pertaining thereto, 9:30 a.m., 2128 Rayburn.

Next Meeting of the SENATE

8:30 a.m., Saturday, August 5

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Wednesday, September 6

Senate Chamber

Program for Saturday: Senate will consider H.R. 2020, Treasury/Postal Service Appropriations, 1996, and upon disposition, Senate expects to begin consideration of H.R. 4, Family Self-Sufficiency Act, or resume consideration of S. 1026, Department of Defense Authorizations.

House Chamber

Program for Wednesday: Legislative program will be announced later.

Extensions of Remarks, as inserted in this issue

HOUSE

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